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Letter dated 10 July 2015 from the Permanent Representatives of Australia, Belgium, Malaysia, the Netherlands and Ukraine to the United Nations addressed to the President of the Security Council

We, the undersigned United Nations Member States — Australia, Belgium, Malaysia, the Netherlands and Ukraine — write to you regarding Malaysia Airlines flight MH17, which was downed over Ukrainian territory on 17 July 2014.

In response to that tragedy, the Security Council adopted resolution 2166 (2014) on 21 July 2014, which demanded that those responsible for the incident be held to account and that all States cooperate fully with efforts to establish accountability. To this end, the law enforcement authorities of Australia, Belgium, Malaysia, the Netherlands and Ukraine have been cooperating in a joint investigation team to conduct a criminal investigation into the downing of flight MH17, with the assistance of other countries.

Consistent with resolution 2166 (2014), we request the Security Council to establish an ad hoc international criminal tribunal under Chapter VII of the Charter of the United Nations to prosecute persons responsible for crimes connected with the downing of MH17. Such a step is necessary in order to send a clear message that the international community is committed to taking action against those who threaten international peace and security by endangering civil aviation.

We consider that a tribunal established by the Security Council would be the most effective mechanism to deliver justice for the families of all victims of the MH17 incident. It would also maximize international cooperation, which will be necessary for an effective prosecution.

We are committed to achieving justice, as resolution 2166 (2014) demands of us, in a manner that transcends international or domestic politics. Establishing a tribunal before the accident investigation (conducted in accordance with annex 13 to the Convention on International Civil Aviation) and the criminal investigation are concluded would be consistent with this commitment. It would be appropriate for the Security Council to establish the ad hoc tribunal one year after the adoption of resolution 2166 (2014), in order to send a clear message to those who threaten the safety of civil aviation that the international community is committed to holding them to account.

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We would be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Gillian **Bird**
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to the United Nations

(*Signed*) Bénédicte **Frankinet**
Permanent Representative of Belgium
to the United Nations

(*Signed*) Ramlan Bin **Ibrahim**
Permanent Representative of Malaysia
to the United Nations

(*Signed*) Karel **van Oosterom**
Permanent Representative of the Netherlands
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(*Signed*) Yuriy **Sergeyev**
Permanent Representative of Ukraine
to the United Nations